



Docket No.: 35997-217779
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Elteto et al.

Application No.: 09/899,472

Confirmation No.: 3432

Filed: July 3, 2001

Art Unit: 2131

For: Secure IR Communication Between A Keypad
and a Token

Examiner: J. E. Jackson

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Office Action dated October 6, 2005, and in conjunction with the concurrently filed Notice of Appeal, please consider the following remarks for the above-identified U.S. patent application:

Claims 1-8, 10, and 12-17 are currently pending.

Claim 1 currently recites "a **physical** shield, substantially opaque to the wavelength of the signal, for substantially confining reception of the signal to the token sensor", and claim 8 similarly recites "**physically** shielding the signal in a substantially opaque manner with respect to the wavelength of the signal to confine reception of the signal to the sensor." The physical shield may be seen, for example, in FIG. 7, as element 726.

Claims 1-8, 10, and 12-17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,425,084 to Rallis et al. (hereinafter "Rallis"). Applicants have previously argued that Rallis does not disclose the physical shield of the claims. Examiner Jackson agreed that Rallis did not teach a physical shield in a telephonic interview on August 25, 2005.

However, the current Action again asserts that Rallis teaches a physical shield. See Action, page 2, section 3, last 4 lines. The portion of Rallis cited in the Action as allegedly "inherently" disclosing the physical shield discusses only the alignment of an infra-red (IR) device with an IR port and transmitting an IR signal. Rallis, col. 5, lines 51-57. There is no discussion or illustration in the figures of Rallis that a physical shield is used. Further, there is no reason to use a physical shield in Rallis.

Because Rallis fails to teach the physical shield of the claims, the Action fails to make a prima facie case for anticipation.

Applicants respectfully request that the rejection be withdrawn and the claims be allowed.

Dated:

January 6, 2006

Respectfully submitted,

By 

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